

SEP. 20. 2005 12:48PM
Serial No. 10/7697
Examiner: D. Bochna
Art Unit: 3679
September 20, 2005
Page 4 of 5

CALFEE HALTER GRISWOLD

NO. 2960 P. 7

REMARKS

In the Office action, claims 1-5 and 8 were rejected as being unpatentable over German reference 4,211,498 in view of Kreidel '217, and claim 6 was rejected as being unpatentable over German reference 4,211,498 in view of Kreidel '217 and further in view of Schwarz.

In order to more clearly point out the invention, the claims have been amended to recite that the tube end is metal. Although it is recognized that the tube end as such is not a limitation in the claims, the amendment underscores the case hardened ferrule which is a positive recital of the claims. The German reference is plainly directed to a connection for a plastic member 5 wherein at page 1 of the translation the member 5 is described as being PTFE hose. There is no suggestion that the connection is functional for anything other than a plastic hose. There are significant differences between the design of a fitting for plastic tube and a fitting for metal tube, especially stainless steel tube as recited in dependent claim 6 of the instant application.

The Office action notes that the sloped surface 12 suggests the front end of the insert 2 will bite into the hose. Applicants must respectfully disagree. The sloped surface only would suggest that there is a radial compression as is common with plastic hose connections. Some fittings are designed so that there is only a compression, not an actual bite into the hose. There is no basis from the German patent or the art of record to conclude that the insert 2 actually bites into the hose. The insert 2 may indent into the hose but there is no basis to conclude it bites into the hose. To the contrary, the German reference is specifically directed to the use of a retaining washer 3 which is specifically described that it cuts into the hose (page 4 of the translation.) If in fact the insert 2 cut into the hose, the functionality of the washer 3 would be unnecessary. At the very least the Office action fails to identify where there is any suggestion in the German reference to the contrary.

The Office action notes that Applicants last response argues that the device 2 was plastic. The hose in the German reference is only described as plastic, notwithstanding the hatching of the drawings. Applicants acknowledge that the reference written description is silent as to the material of the insert 2. Applicants submit however that given the hatching of the drawing for the plastic hose, the only direct conclusion or suggestion that could be derived from the drawings (as done in the Office action) is that the insert 2 is also plastic. More importantly, however,

SEP. 20. 2005 12:48PM

CALFEE HALTER GRISWOLD

NO. 2960 P. 8

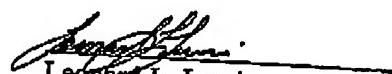
Serial No. 10/707,697
Examiner: D. Bochna
Art Unit: 3679
September 20, 2005
Page 5 of 5

whether the insert 2 is plastic or not, there would be absolutely no suggestion from the art of record to case harden such a part for plastic hose applications.

The present application is deemed to be in proper condition for allowance and favorable action is respectfully requested.

Respectfully submitted,

Dated: September 20, 2005


Leonard L. Lewis
Reg. No. 31,176